



022304

15866 U.S. PTO

Docket No. 3842-4036US3Express Mail No. EV357835663US**27123**

↑CUSTOMER NUMBER↑

17548 U.S. PTO
10/785673

022304

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
UTILITY APPLICATION AND FEE TRANSMITTAL §(1.53(b))

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing is the patent application of
Inventor(s) names and addresses:

- (1) Conceicao MINETTI
14 Kathryn Street
Clark, New Jersey 07066
U.S.A.
- (2) Francis MICHON
4401 Rosedale Avenue
Bethesda, Maryland 20814
U.S.A.

☒ Additional inventors are listed on a separate sheet

For: MODIFIED IMMUNOGENIC PNEUMOLYSIN COMPOSITIONS AS VACCINES

Enclosed Are:

80 page(s) of specification
1 page(s) of Abstract
8 page(s) of claims 1-30
23 sheets of ☒ Formal ☐ Informal drawings
6 page(s) of Declaration and Power of Attorney

- ☐ Unsigned
☐ Newly Executed
☒ Copy from prior application
☐ Deletion of inventors including Signed Statement under 37 C.F.R. §1.63(d)(2)

☐ **REQUEST AND CERTIFICATION UNDER 35 U.S.C. §122(b)(2)(B)(i) (form PTO/SB/35)**

As indicated on the attached Request and Certification, Applicant(s) certify that the invention disclosed in the attached application HAS NOT and WILL NOT be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. Applicant(s) therefore request(s) that the attached application NOT be published under 35 U.S.C. §122(b).

- ☒ Incorporation by Reference:
- ☒ The entire disclosure of the prior application, from which a copy of the combined Declaration and Power of Attorney is supplied herein, is considered as being part of the disclosure of the accompanying application and is incorporated herein by reference.
- ☐ Deletion of Inventors (37 C.F.R. §1.63(d) and §1.33(b))
Signed statement attached deleting inventor(s) named in the prior application serial no. _____, filed _____.
- ☐ Microfiche Computer Program (Appendix)
- ☒ 12 page(s) of Sequence Listing
- ☒ computer readable disk containing Sequence Listing
- ☒ Statement under 37 C.F.R. §1.821(f) that computer and paper copies of the Sequence Listing are the same
- ☒ Assignment Papers (assignment cover sheet and assignment documents)
- ☐ A check in the amount of \$40.00 for recording the Assignment
- ☐ Charge the Assignment Recordation Fee to Deposit Account No. 13-4500, Order No. _____.
- ☒ Assignment Papers filed in the parent application Serial No. 09/120,044
- ☐ Certification of chain of title pursuant to 37 C.F.R. §3.73(b)
- ☐ Priority is claimed under 35 U.S.C. §119 for:
Application No(s). _____, filed _____, in _____ (country).
- ☐ Certified Copy of Priority Document(s) [_____]
- ☐ filed herewith
- ☐ filed in application Serial No. _____, filed _____.
- ☐ English translation document(s) [_____]
- ☐ filed herewith
- ☐ filed in application Serial No. _____, filed _____.
- ☒ Priority is claimed under 35 U.S.C. §119(e) for:
Provisional Application No. 60/053,306, filed July 21, 1997 and Provisional Application No. 60/073,456, filed February 2, 1998.
- ☒ Information Disclosure Statement
- ☐ Copy of [_____] cited references
- ☒ PTO Form-1449
- ☒ References cited in parent application Serial No. 09/120,044, filed July 21, 1998.

- ☐ Related Case Statement under 37 C.F.R. §1.98(a)(2)(iii)
- ☐ A copy of related pending U.S. Application(s) Serial No(s): _____, filed _____, respectively, is attached hereto.
- ☐ A copy of related pending U.S. Application(s) entitled, _____, filed _____ to inventor(s) _____, respectively, is attached hereto.
- ☐ A copy of each related application(s) was submitted in parent application serial no. _____, filed _____.
- ☒ Preliminary Amendment
- ☒ Return receipt postcard (MPEP 503)
- ☒ This is a ☐ continuation ☒ divisional ☐ continuation-in-part of prior application serial no. 09/120,044 filed July 21, 1998, to which priority under 35 U.S.C. §120 is claimed.
- ☐ Cancel in this application original claims _____ of the parent application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
- ☒ A Preliminary Amendment is enclosed. (Claims added by this Amendment have been properly numbered consecutively beginning with the number following the highest numbered original claim in the prior application).
- ☒ The status of the parent application is as follows:
- ☐ A Petition for Extension of Time and a Fee therefor has been or is being filed in the parent application to extend the term for action in the parent application until _____.
- ☐ A copy of the Petition for Extension of Time in the co-pending parent application is attached.
- ☒ No Petition for Extension of Time and Fee therefor are necessary in the co-pending parent application.
- ☐ Please abandon the parent application at a time while the parent application is pending or at a time when the petition for extension of time in that application is granted and while this application is pending has been granted a filing date, so as to make this application co-pending.
- ☐ Transfer the drawing(s) from the parent application to this application
- ☒ Amend the specification by inserting before the first line the sentence:
This is a ☐ continuation ☒ divisional ☐ continuation-in-part of co-pending application Serial No. 09/120,044, filed July 21, 1998, which claims benefit of Provisional Application Serial No. 60/053,306, filed July 21, 1997 and Serial No. 60/073,456, filed February 2, 1998.

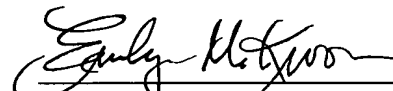
I. CALCULATION OF APPLICATION FEE				
	Number Filed	Number Extra	Rate	Basic Fee \$770.00/385.00
Total Claims	11- 20 =	0 x	\$18.00/ \$9.00	\$ 0
Independent Claims	4- 3 =	1 x	\$86.00/ \$43.00	\$ \$86.00
<input type="checkbox"/> Multiple Dependent Claims		If marked, add fee of \$290.00 (\$145.00)		\$
TOTAL:				\$856.00

- ☐ Small entity status is or has been claimed. Reduced fees under 37 C.F.R. §1.9 (f) paid herewith \$_____.
- ☒ A check in the amount of \$856.00 in payment of the application filing fees is attached.
- ☐ Charge fee to Deposit Account No. 13-4500, Order No. _____. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required for filing this application pursuant to 37 CFR §1.16, including all extension of time fees pursuant to 37 C.F.R. § 1.17 for maintaining copendency with the parent application, or credit any overpayment to Deposit Account No. 13-4500, Order No. 3842-4036US3. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: February 23, 2004

By:



Evelyn M. Kwon

Registration No. 54,246

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Witold Cieplak
Divisional of
Serial No. : 09/120,044 Group Art Unit: TBA
Filed : Herewith (February 23, 2004) Examiner: TBA
For : MODIFIED IMMUNOGENIC PNEUMOLYSIN
COMPOSITIONS AS VACCINES

EXPRESS MAIL CERTIFICATE

Express Mail Label No. EV 357835663 US

Date of Deposit February 23, 2004

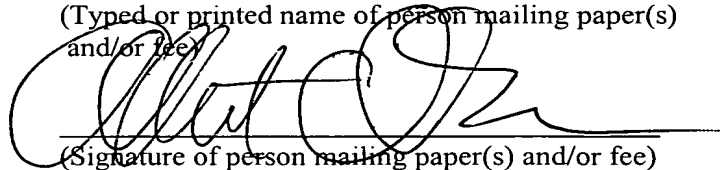
I hereby certify that the following attached paper(s) or fee

1. Utility Application and Fee Transmittal (1.53(b)) (5 pages), including check in the amount of \$856.00 to cover filing fee;
2. Divisional Application (80 pages of Specifications, 1 page of Abstract, 8 pages of Claims 1-30; and 23 sheets of Formal Drawings);
3. Preliminary Amendment (13 pages);
4. Copy of Declaration and Power of Attorney (8 pages);
5. Copy of Assignment papers (7 pages);
6. Copy of Forms PTO 1449 (9 pages);
7. Copy of 12 page(s) of Sequence Listing, computer readable disk containing Sequence Listing, and Statement under 37 C.F.R. §1.821(f) or §1.825 (1 page);
8. Return postcard.

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to the Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Albert Isles

(Typed or printed name of person mailing paper(s)
and/or fee)



(Signature of person mailing paper(s) and/or fee)

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